IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 28610 of 2007(E)

OS.211/2005 of PRL.M.C.KOZHIKODE-I
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PETITIONER: PLAINTIFF

MADHUVANI, W/O. RAJAN,
PARAPPURATH HOUSE, PUNATHIL, KURUVATTUR AMSOM,
KOZHIKODE TALUK.

BY ADV. SRI.T.G.RAJENDRAN
SMT.O.K.JASEETHA

RESPONDENTS: DEFENDANTS
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1. PRABHAVATHI, D/O. LATE PACHUKUTTY,
AKKINARI HOUSE, KURUVATTUR AMSOM,
CHERUVATTA DESOM.

2. VIJAYAN, S/O. KUMARAN,
RESIDING -DO- -DO-

3. BIJU, S/O. VIJAYAN,
"SURYA", VAYALERITHAZHAM, KURUVATTUR AMSOM,
CHORUVATTA DESOM, KOZHIKODE TALUK.

4. PRAKASH BABU, S/O. M.C.KELU,
MADATHIL CHITTAMMAL HOUSE, THIRUVANGAD AMSOM
DESOM, THALASSERY.

5. SAJI KUMAR K.V., S/O. RAGHAVAN NAMBIAR,
KOLACHIRAPARAMBIL, BEYPORE AMSOM DESOM,
KOZHIKODE TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.28610 of 2007

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Dated this the 28th day of September, 2007.

JUDGMENT

This Writ Petition is filed by a person, who is not a party to the order, which is challenged. Ext.P9 is the order in I.A. No.1644 of 2006 in O.S.No.209 of 2005 and it is submitted that by the said order, the right of the writ petitioner is prejudicially affected. From the order, it is seen that it is passed under Order 39 Rules 1 and 2 of C.P.C. which is appealable. Therefore, proper remedy for the party is to prefer an appeal, though she is not a party. The court is always entitled to give permission to file appeal by third parties when their rights are affected in view of the various decisions of this Court.

Therefore, with liberty to approach the appellate court for appropriate relief, this Writ Petition is disposed of.

M.N.Krishnan,
Judge.

ess 28/9